

REMARKS

Entry of this amendment, reconsideration and withdrawal of all grounds of rejection, and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1, 2, 4-22 and 24-31, as shown above, remain pending herein. Claim 32 has been added, support for which is clearly found in Fig. 1 and the specification at page 7, lines 9-15. The Final Office Action has been carefully reviewed.

(1) Claims 1-2, 4-22, and 24-31 stand rejected under 35 U.S.C. §103(a) over Metz et al. (U.S. 5,978,855 hereafter "Metz") in view of Arai et al. (U.S. 6,532,591 hereafter "Arai"), and further in view of Casagrande et al. (U.S. 6,049,892 hereafter "Casagrande"). It is respectfully submitted that these grounds of rejection are traversed.

The Office Action cites each of the above three references, which as a combination, allegedly render the instant claims as being obvious at the time of invention to an artisan.

It is alleged in the Office Action on page 9 that the instantly recited broadcast system is disclosed by Metz' source system 11, 11'. On page 10 of the Office Action it is alleged that the two-way communications link is also met by Metz' source system 11, 11'.

Upon close inspection, Metz discloses that the broadcast network 15 receives digitized data streams from one or more sources (11, 11') operated by one or more information providers. Material intended for broadcast through the network is encoded and packetized in accordance with a specified protocol (column 8, lines 44-66). In

addition, Metz discloses that “a number of source systems 11,11’ supply digitized material to the digital network 15 for broadcast” (Metz at column 9, lines 10-11). Metz goes on to disclose that the source systems provide broadcast programs, and some source systems also provide broadcast software downloading. However, it is clear that the source systems 11,11’ all feed in through the broadcast network 15.

In contrast, instant claim 1 recites a broadcast system and, additionally, a two-way communications link separate from said broadcast system broadcasting applications, said two-way communications link being arranged between the server system and each of the multiplicity of multiple clients, wherein the two-way communications link includes a forward channel over which the respective portable client can transmit client data/requests to re-receive data from the server system, and a return channel over which the server system can transmit data to the respective portable client. Base claim 21 has been similarly amended as claim 1, and support is found not only in claim 31 (regarding the two-way communications link being “separate” but also is shown in Fig. 1 of the instant invention, wherein the network control center 30 has a forward channel and a return channel that communicate with the client 50, separate from the broadcasting system. The instant specification and claims also supports that each respective client 50 has a two-way communications link in addition to the wireless/satellite link.

It is respectfully submitted that the combination of Metz, Arai and Casagrande fails to disclose or suggest the claimed invention, particularly because Metz fails to disclose a two-way communications link separate from the broadcast system.

In the present invention, in case some of the downloading/broadcast software becomes corrupted, the respective client uses the two-way communications link, separate

from the broadcast system, to contact the network manager and inform/request a partial resending of the data, not via the broadcast system, but via the return channel of the two-way communications link.

The combination of Metz, Arai and Casagrande, fails as a combination to disclose or suggest all of the elements recited by the instant claims. Nor would an artisan have found any motivation or suggestion from the combination. The suggestion to combine the references comes only from the Applicants invention if used improperly as a roadmap, and an artisan would not have gleaned a two-way communications link apart from the broadcast system by the suggestion of Metz, Arai and Casagrande.

Finally, with regard to rejections under 35 U.S.C. §103(a), the MPEP cites the case of *In re Fritch*, 973 F.2d 1260, 1266, 23 U.S.P.Q. 2d 1780, 1783-84 (Fed. Cir. 1992), wherein the Court of Appeals for the Federal Circuit held:

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so. Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

With regard to the above, Applicants respectfully submit that an artisan would not have found suggestion or the desirability gleaned from the combination of references

such that any of the instant claims would have been obvious at the time of invention.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079

By: 
Steve Cha
Attorney for Applicant
Registration No. 44,069

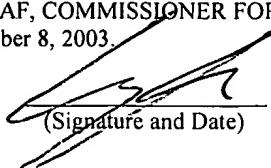
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Mail all correspondence to:
Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

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Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)